

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**MICHAEL COREY JENKINS, et al.**

**PLAINTIFFS**

**v.**

**CAUSE NO. 3:23cv374-DPJ-FKB**

**RANKIN COUNTY, MISSISSIPPI, et al.**

**DEFENDANTS**

---

**MOTION FOR JUDGMENT ON THE PLEADINGS PREMISED, IN PART,  
ON QUALIFIED IMMUNITY**

---

**NOW COME** Defendants, Rankin County, Mississippi and Sheriff Bryan Bailey, in his individual and official capacities, by and through counsel, and move this Court for judgment on the pleadings pursuant to FED. R. CIV. P. 12(c) by stating as follows:

1. Plaintiffs filed suit against Rankin County, Sheriff Bailey, in his individual and official capacities, and others related to a January 24, 2023 incident. They have alleged federal § 1983 claims against Rankin County and Sheriff Bailey on theories of failure to train, failure to supervise, and ratification. They further allege a state law claim against Rankin County and Sheriff Bailey under the Mississippi Tort Claims Act (“MTCA”).

2. Sheriff Bailey, in his individual capacity, is entitled to qualified immunity from all federal § 1983 claims alleged against him.

3. The official capacity claims should be dismissed as redundant and/or duplicative of the claims against Rankin County.

4. Plaintiffs fail to allege a facially plausible *Monell* claim against Rankin County.

5. The criminal actions of the individual former deputies were committed outside the course and scope of their employment with Rankin County, and thus, Rankin

County is immune from liability under any state law theory pursuant to the protections, limitations, and immunities of the MTCA.

6. Sheriff Bailey is not alleged to have acted outside the course and scope of his employment with Rankin County and is immune from individual liability for any state law claims under the MTCA.

7. Based on the legal precedent and analysis in their accompanying memorandum of authorities, Rankin County and Sheriff Bailey respectfully request that all claims against them be dismissed.

8. In support of their instant Motion, Rankin County and Sheriff Bailey submit and rely upon the following exhibits:

- A. **Exhibit 1** – Complaint;
- B. **Exhibit 2** – Answer of Rankin County and Sheriff Bailey;
- C. **Exhibit 3** – Judgments of Conviction;
- D. **Exhibit 4** – Cameron Affidavits; and
- E. **Exhibit 5** – Gerhart Pictures.

**WHEREFORE, PREMISES CONSIDERED**, Rankin County and Sheriff Bailey pray that this Court grant their instant Motion in its entirety and dismiss any and all federal and state law claims against them.

**RESPECTFULLY SUBMITTED**, this 6<sup>th</sup> day of October, 2023.

**RANKIN COUNTY, MISSISSIPPI & SHERIFF  
BRYAN BAILEY, IN HIS INDIVIDUAL AND  
OFFICIAL CAPACITIES - DEFENDANTS**

BY: /s/ Jason E. Dare  
**JASON E. DARE**

**OF COUNSEL:**

Jason E. Dare (MSB No. 100973)

[jdare@bislawyers.com](mailto:jdare@bislawyers.com)

BIGGS, INGRAM & SOLOP, PLLC

Post Office Box 14028

Jackson, Mississippi 39236-4028

Telephone: (601) 987-5307

Facsimile: (601) 987-5307